

JUN 18 2004

SPECIAL PROCEDURES SUBMISSION

PETITIONS OFFICE

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Request
for
Continued Examination (RCE)
TransmittalAddress to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/976,863
Filing Date	October 12, 2001
First Named Inventor	Caplan, M.
Art Unit	1614
Examiner Name	Weddington, K.
Attorney Docket Number	2002834-0115

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☐ Other Note: References to follow by mail _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Petition fee for Petition under CFR 1.313(c) _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Monica R. Gerber	Registration No. (Attorney/Agent)	46,724
Signature	<i>Monica R. Gerber</i>	Date	April 5, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Sandra Saccoccia	Date	April 5, 2004
Signature	<i>Sandra Saccoccia</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Patents, P.O. Box 1450, Alexandria, VA 22313-14504-5-04 *Sandra Saccoccia*
Date Signature

Sandra Saccoccia

Typed or Printed Name of person signing certificate

Fax Transmittal Sheet

RECIPIENT	COMPANY	FAX	PHONE
K. Weddington	USPTO - Art Unit 1614	703-872-9306	

FROM	Monica Gerber, M.D., Ph.D.	NUMBER OF PAGES	22
DATE	April 5, 2004	CLIENT NUMBER	2002834-0115
PHONE	(617) 248-5071	OPERATOR	TIME SENT

COMMENTS RE: U.S.S.N. 09/976,963

Dear Examiner Weddington,

As we discussed on the phone last Monday, I am herewith submitting a Petition to Withdraw Application from Issue under 37 C.F.R. 313(c), a Request for Continued Examination, and an Information Disclosure Statement and PTO-1449. We will be sending the cited references by mail shortly.

Best Regards,

Monica

Monica R. Gerber, M.D., Ph.D.

Registration Number 46,724

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Fax Transmittal Sheet

RECIPIENT	COMPANY	FAX	PHONE
K. Weddington	USPTO - Art Unit 1614	703-672-9306	

FROM	Monica Gerber, M.D., Ph.D.	NUMBER OF PAGES	22
DATE	April 5, 2004	CLIENT NUMBER	2002634-0115
PHONE	(617) 248-3071	OPERATOR	TIME SENT

COMMENTS RE: U.S.S.N. 09/976,943

Dear Examiner Weddington,

As we discussed on the phone last Monday, I am herewith submitting a Petition to Withdraw Application from Issue under 37 C.F.R. 313(a), a Request for Continued Examination, and an Information Disclosure Statement, and PTO-1449. We will be sending the cited references by mail shortly.

Best Regards,

Monica

Monica R. Gerber, M.D., Ph.D.
Registration Number 46,724

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